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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/313,131	05/17/1999	ERAN STEINBERG	4473-27	3485

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EXAMINER	
NGUYEN, LUONG TRUNG	
ART UNIT	**PAPER NUMBER**
2612	19

DATE MAILED: 05/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/313,131	STEINBERG, ERAN	
	Examiner	Art Unit	
	LUONG T NGUYEN	2612	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 March 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-5,11,17-21,30 and 53-59* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-5,11,17-21,30 and 53-59* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/11/2003 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1, 3-5, 11, 17-21, 30 and newly added claims 53-59 filed on 3/11/2003 have been considered but are moot in view of the new ground(s) of rejection.

3. It is noted that in claim 1 (clean version), lines 17-19, the newly added limitation "wherein said messages include any combination of advertisements, warranty registration forms, and questionnaires" is not showed in claim 1 in "Version with Markings to Show Changes Made". For the purpose of the examination for claim 1, the Examiner considers that claim 1 recites this newly added limitation. Appropriate correction is required.

Claim Objections

4. Claims 1, 3-5, 11, 17-21, 30, 53-59 are objected to because of the following informalities:

Claim 1 (lines 13, 15, 16-17), "said transceiver" should be changed to --said transceiver apparatus--;

Claim 1 (lines 13-14), "said message apparatus" should be changed to --said messaging apparatus--;

Claim 17 (line 11), "transmitting messages" should be changed to --transmitting the messages--;

Claim 53 (line 5), "messages to that" should be changed to --messages that--;

Claim 53 (line 10), "the user on the camera" should be changed to --the user of the camera--;

Claims 3-5, 11 are objected as being dependent on claim 1.

Claims 18-21, 30 are objected as being dependent on claim 17.

Claims 54-59 are objected as being dependent on claim 53.

Claim 11 is objected as being dependent on canceled claim 6.

Claim 30 is objected as being dependent on canceled claim 22.

For the purpose of examination, the Examiner considers claim 11 depends on claim 1; claim 30 depends on claim 17.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. Claims 17-21, 30, 59 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 17 (line 28) recites the limitation "said" in "said camera apparatus".

Claim 59 (line 2) recites the limitation "the" in the particular camera model".

There is insufficient antecedent basis for this limitation in the claim.

Claims 18-21, 30 are rejected as being dependent on claim 17.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 1, 3-5, 11, 17-21, 30 are rejected under 35 USC 103(a) as being unpatentable over Reele et al. (U.S. 5,893,037) in view of Ilcisin et al. (US 5,880,770) further in view of Itakura et al. (US 6,351,745).

Regarding claim 1, Reele et al. disclose an integrated digital camera apparatus comprising a housing (See Figure 2, column 4, lines 49-51); a digital image acquisition apparatus (camera unit 10, Figure 2, column 4, lines 47-51) built into the housing, the digital image acquisition apparatus including image capture apparatus for converting a light image to digital image data (image sensor 44, Figure 3, column 3, lines 15-20); a messaging apparatus independent of said digital image acquisition apparatus (cellular phone 28, Figure 2, column 4, lines 47-51) built into the housing, said messaging apparatus including a transceiver apparatus (transmitter/receiver circuit 54, Figures 4-5, column 3, lines 64-67) limited to sending and

receiving messages through a communication network (See Figure 4, column 3, line 64 through column 4, line 31), said messages not including digital image data from said digital image acquisition apparatus (Figures 3-5, Column 3, line 64 through Column 4, Line 46); and a code apparatus for selectively receiving messages sent to the transceiver by a message center from a service provider (see Column 5, Lines 25-35 and note that a code is present in the form of dialing the appropriate phone number); message display apparatus for communicating said messages to a user of said camera apparatus in graphic form or audio form (display 30, Figure 4, Column 4, Lines 15-20).

Reele et al. do not disclose an automatic signal transmission apparatus for automatically causing the transceiver to transmit a message request signal to the message apparatus conveying an identification of the camera apparatus when the transceiver is turned on. However it is well known in the art to operate a videophone system in such a manner, as disclosed in Ilcisin et al. in order to make sure that necessary messages are received by the person initiating the call (See Column 2, Line 49 through Column 3, Line 12 and note that note that a camera's identification is inherently conveyed in the initiation of a call from the particular apparatus with which the camera is associated). Such a provision for the Reele et al. device would clearly increase its utility by increasing the kinds of information available to the users of the videophone network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide in the Reele et al. device an automatic signal transmission means for automatically causing the transceiver to transmit a message request signal to the message center conveying an identification of the camera when the transceiver is turned on in order to increase the utility of the device by increasing the kinds of information made available to the user.

Reele et al. and Ilcisin et al. fail to specifically disclose wherein said messages include any combination of advertisements, warranty registration forms, and questionnaires, and wherein said service provider includes any combination of a billing center, a retailer, and a camera manufacturer; and whereby said messaging apparatus in said camera apparatus and said message center allows said service provide to promote an ongoing business relationship with said user after sale of said camera apparatus. However, Itakura et al. disclose a communication system for distributing such message as advertisement to user of terminal equipment, in which in the pay system 35 (billing center), the message distribution apparatus 39 (message center) transmits messages regarding goods, such as advertisement to the network including terminal 10 (Figure 1, Column 7, line 50 through Column 8, Line 25). In addition, Itakura et al. also disclose that the user may access the communication network to buy goods (such as "ski suit", goods may be camera), and the system provider can reliably provide update information to users (Column 25, Lines 45-65, service provide to promote an ongoing business relationship with said user after sale of said camera apparatus). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Reele et al. and Ilcisin et al. by the teaching of Itakura et al. in order to allow users find advertisements for goods or services, which match their interests, and advertisers can efficiently provide messages to potential users who have a high probability of purchasing their goods (Column 3, Lines 48-52).

Regarding claim 3, Ilcisin et al. disclose a user activated apparatus for causing the transceiver to transmit a message request signal to the message center conveying an identification of the camera (See Column 2, Lines 49-56).

Regarding claim 4, Reele et al. disclose all of the limitations except apparatus disabling the automatic signal transmission apparatus when a user does not want to receive messages. However it is well known in the art to operate a videophone system so as to send messages automatically, as disclosed in Ilcisin et al. in order to make sure that necessary messages are received by the person initiating the call (Column 2, Line 49 - Column 3, Lines 12). Such a provision for the Reele et al. device would clearly increase its utility by increasing the kinds of information made available to the users of the videophone network. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide in the Reele et al. device an automatic signal transmission apparatus for automatically causing the transceiver to transmit a message request signal to the message center conveying an identification of the camera when the camera is turned on in order to increase the utility of the device by increasing the kinds of information made available to the user. In Ilcisin et al. this feature may be disabled when the user does not want to receive messages (See Column 3, Lines 65-67 and note that longer-time-period messages may not be acceptable).

Regarding claim 5, Reele et al. are silent regarding a model number of the camera and therefore do not disclose that the code apparatus includes identification of a model number of the camera. However it is common practice in the art to form a videophone device using a camera that is separately manufactured, such as the AT&T 2500 disclosed in Ilcisin et al. (See Column 4, Lines 29-31 of Ilcisin et al. and page 25 of AT&T Technical Journal where the camera is said to be separately manufactured by Sony), the camera clearly having a model number given thereto

by its manufacturer. In view of the teaching in Ilcisin et al., it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a separately manufactured camera for the Reele et al. device since it is well known in the art to so form videophone devices. In such an arrangement the code apparatus would clearly include identification of a model number of the camera since in order for there to be proper reception and display of pictures the model number of the camera used in the manufacture of the sending integrated digital camera apparatus must be the same as that of the receiving integrated digital camera apparatus. The ability to receive, process and display meaningful pictures from a sending camera identifies it having the same model as that of the integrated digital camera apparatus for such a specific videophone network.

Regarding claim 11, Ilcisin et al. disclose an interactive message response apparatus for responding to a question received in a message from the message center (Column 7, lines 40-45).

As for claim 17, all the limitations are contained in claim 1, therefore, see Examiner's comments regarding claim 1, except for the feature a message center including apparatus for collecting, preparing and sorting messages to be sent to a transceiver in an assembly including a digital camera which is disclosed in Ilcisin et al. (Column 2, Line 49 through Column 3, Line 33; Column 8, Lines 13-35) and a first communication apparatus responsive to reception of a message request signal conveying a camera identification for transmitting messages to the transceiver (Ilcisin et al., See Column 2, Lines 49-56 and note that the calling device's camera

identification is inherently provided in the initiation of a call from a particular apparatus with which it is associated).

Regarding claim 18, Ilcisin et al. disclose that the message center includes a capability to send a selected message to a specific integrated hand held assembly based on the code (Column 2, Lines 49-52).

Regarding claim 19, Ilcisin et al. disclose that the message center further includes a capability to send a message simultaneously to a plurality of integrated hand held assemblies by transmitting a corresponding particular code (Column 8, Lines 13-35).

Regarding claim 20, Ilcisin et al. disclose that the message center further includes a capability to prioritize messages as part of a single packet of multiple messages (Column 8, Lines 13-35).

Regarding claim 21, Ilcisin et al. disclose that the integrated hand held assembly further includes means for disabling the automatic signal transmission apparatus (Column 1, Lines 60-61).

Regarding claim 30, Ilcisin et al. disclose an interactive message response apparatus for responding to a question received in a message from the message center (Column 7, Lines 40-45).

8. Claims 53-59 are rejected under 35 USC 103(a) as being unpatentable over Itakura et al. (U.S. 6,351,745) in view of Maurinus et al. (US 5,606,365).

Regarding claims 53-55, Itakura et al. disclose a communication system for distributing such message as advertisement to user of terminal equipment, comprising the steps of providing a message center (message manager 24, Figure 1) for storing messages that include any combination of advertisements, warranty registration forms, and questionnaires (Column 8, Lines 1-11); sorting messages in to categories based on individual users and categories of users (message ID is searched based on the user's characteristics, Column 3, Lines 32-52, Column 5, Lines 50-60); transmitting messages that match the categories associated with the user (transmitting messages to terminal 10, Column 8, Lines 1-25), such that the messages are communicated to the user in graphical or display form (display means for displaying the message transmitted to the terminal, Column 5, Lines 40-45), thereby providing the service provider with an opportunity to promote an ongoing business relationship with the user (the user may access the communication network to buy goods (such as "ski suit"), and the system provider can reliably provide update information to users, Column 25, Lines 45-65).

Itakura et al. fail to specifically disclose maintaining records of camera users and corresponding camera identification; and transmitting messages from the message center to the camera. However, Itakura et al. disclose the user may access the communication network to buy goods (such as "ski suit", goods may be a camera, Column 6, Lines 20-25) and Maurinus et al. disclose interactive camera for network in which the camera manufacture 48 downloads the correction codes with the camera ID to the headen computer 52 (message center) and transmits to the user HIC 54, which comprises camera 10 (Figure 2, Column 9, Lines 20-35, Column 7,

Lines 9-30). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Itakura et al. by the teaching of Maurinus et al. in order to allow user to follow up the update of camera.

Regarding claim 56, Itakura et al. disclose wherein the user can subscribe with the message center to receive messages for selected categories (the users can find advertisements for goods, which match their interests, Column 3, Lines 48-50).

Regarding claim 57, Itakura et al. disclose wherein the user may select an option from the camera not to receive any messages (a detector detects when user is inactive, see abstract)

Regarding claim 58, Maurinus et al. disclose the message center continuously transmits generic messages to a plurality cameras (plurality cameras 10, 10', 10", Figures 2, 4b).

Regarding claim 59, Itakura et al. and Maurinus et al. disclose the message center packages personal messages for the user and for the particular camera model together with generic messages, and transmits the package to the camera (Column 5, Lines 38-67).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Luong Nguyen** whose telephone number is **(703) 308-9297.** If

attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber**, can be reach on **(703) 305-4929.**

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872 - 9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

LN LN
5/17/03

WENDY R. GARBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600